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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,881	12/30/1999	JAMES R. ALTENDAHL	E-915	7004

919 7590 12/30/2004

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/475,881

Applicant(s)

ALTENDAHL ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Response to Amendment***

1. This is in response to an amendment file on August 9<sup>th</sup>, 2004. Claims 1-8 remain pending in the letter.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. The basis of this rejection is set forth in a two prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete and tangible result.

For a claimed to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the

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useful arts” and therefore are found to be non-statutory subject matter. For a method claim to pass the muster, the recited method must somehow apply, involve, use, or advance the technological arts.

In the present case the inventive concept in claim 1 and 5 are directed to a set or table .... However, they fail to produce a useful concrete and tangible result and therefore deemed to be directed to non-statutory subject matter.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barns-Slavin et al (U.S. Patent No. 5,995,950) in view of Barni et al (U.S. Patent No. 6,064,981).

8. As per claims 1 and 5, Barns-Slavin et al teach a set of load planning tables for use in a system for managing shipping parcels (*carrier management system*), the set of load planning tables comprising a group table (*memory 22*), for storing group identifiers (*parcel identification number*), each group identifier used to identify a group of one or more parcels (*see fig 2, column 3 lines 37-64*), a load table for storing records of attributes associated with a load, which is in turn associated with a group, each record having a group identifier field and a load identifier field (*see column 2 lines 20-48*), a stop table, for storing records of attributes associated with a

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stop (*destination address*), which is in turn associated with a load, which is in turn associated with a group, each record having a group identifier field, a load identifier field, a stop identifier field, and a drop bill number field (*see fig 2, column 3 lines 37-64*), a shipment header table, for storing records of attributes associated with a shipment, which is in turn optionally associated with a stop, which is in turn associated with a load, which is in turn associated with a group, each record having a group identifier field, a load identifier field, a bill number field that serves as a shipment identifier and optionally relates the record to a record in the stop table via the drop bill number field in records of the stop table, an origin identifier field, and a destination identifier field (*see column 2 lines 20-48*). Barns-Slavin fails to teach a cost table, for storing records of attributes associated with a component cost of a load, which is in turn associated with a load, which is, in turn associated with a group, each record having a group identifier field, a load identifier field, a field indicating a cost type, and a field indicating a cost amount, wherein the set of load planning tables applies business rules to a consignee party a shipper party and to a third party that a priority table is used to determine a time of arrival, a party responsible for payment a destination location and applies the business rules to event and subevents to determine delivery parameters. However, Barni et al teach an inventive concept cost table, for storing records of attributes associated with a component cost of a load, which is in turn associated with a load, which is, in turn associated with a group, each record having a group identifier field, a load identifier field, a field indicating a cost type, and a field indicating a cost amount, wherein the set of load planning tables applies business rules to a consignee party a shipper party and to a third party that a priority table is used to determine a time of arrival, a party responsible for payment a destination location and applies the business rules to event and subevents to determine delivery parameters (*see figs 4, 5, 10, 11, column 1 lines 42-67, 7 lines 11-54*). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Barns-Slavin et al's inventive concept to include Barni et al's an inventive cost table, for storing records of attributes associated with a component cost of a load, which is in turn associated with a load, which is, in turn associated with a group, each record having a group identifier field, a load identifier field, a field indicating a cost type, and a field indicating a cost amount, wherein the set of load planning tables applies business rules to a consignee party a shipper party and to a third party that a priority table is used to determine a time of arrival, a party responsible for payment a destination location and applies the business rules to event and subevents to determine delivery parameters because this would have allowed customers, freight forwarders and carriers, may negotiate cargo rates, evaluate competitive prices, preferably and monitor the shipping of their package.

9. As per claims 2, 3, 6 and 7, Barns-Slavin et al teach a set of load planning tables wherein the records of the load table also include fields for indicating a master load identifier, a carrier identifier, a tariff identifier, an origin and a destination, a field for indicating a pro number, a field for an inbound/outbound indicator, a field indicating an origin, and a field indicating a destination (*see column 2 lines 20-48*).

10. As per claims 4 and 8, Barns-Slavin et al teach a set of load planning tables wherein the records of the stop table also include fields for indicating a drop load identifier, a drop distribution center identifier, and a parent load (*see column 2 lines 20-48*).

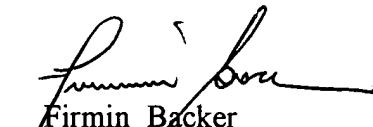
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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

December 27, 2004